

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 22-36**

Z.C. Case No. 22-36

**TM Associates, LLC & Washington Metropolitan Area Transit Authority
(Consolidated Planned Unit Development and Related Zoning Map Amendment
@ Lot 806 in Square 3351; Lots 820, 822, 823, 829, 831, 839-841,
& 845-851 in Square 3352; and Lots 811-813 in Square 3353)
September 28, 2023**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on June 15, 2023 to consider an application (the “Application”) from TM Associates, LLC (referred to hereinafter as “EYA”) & the Washington Metropolitan Area Transit Authority (“WMATA”) (collectively, the “Applicant”), for review and approval of a consolidated planned unit development (“PUD”) for Lot 806 in Square 3351; Lots 820, 822, 823, 829, 831, 839-841, and 845-851 in Square 3352; and Lots 811-813 in Square 3353 (the “Property” or “Site”) and related amendment to the Zoning Map from the NC-2, MU-4, and RA-1 zones to the MU-5A zone. The Commission considered the Application pursuant to Subtitles X and Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016¹, the “Zoning Regulations,” or “ZR16,” and to which all citations to regulations herein are made unless otherwise specified). For the reasons stated below, the Commission hereby APPROVES the Application.

FINDINGS OF FACT

I. Procedural Background

1. On November 28, 2022, the Applicant filed the Application for review and approval of a consolidated PUD and related zoning map amendment and requested that the Commission set down the Application for a public hearing. (Exhibit [“Ex.”] 2.)
2. At a public meeting of the Commission on February 9, 2023, the Commission voted to set down the Application for a public hearing. (Transcript of the Commission’s Public Meeting [“Tr.”] at 42-43 (February 9, 2023).)

Notice

3. On April 21, 2022, the Applicant sent a copy of its notice of intent to file a zoning application for a consolidated PUD and related map amendment to Advisory Neighborhood Commission

¹ On August 25, 2023, amendments to the Zoning Regulations became final and effective that reorganized the regulations. (See Z.C. Case Nos. 18-16, 19-27, 19-27A, 19-27B.) The amendments were not substantive in nature, but they did change several zone names, including changing the NC-2 zone to the NMU-4/TK zone. The references herein are to the amended Zoning Regulations; however, there are several places where the NC-2 zone is referenced instead of the now NMU-4/TK zone.

(“ANC”) 4B and to owners of property within 200 feet of the perimeter of the property that is the subject of the Application, pursuant to the Zoning Regulations. (Ex. 3C.) On April 5, 2023, the Office of Zoning (“OZ”) sent notice of the public hearing to the affected ANC 4B; the affected ANC Single Member District 4B04; the Office of the ANC; the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Department of Buildings (“DOB”); the Lead Attorney for the Commission; the District Department of Energy and Environment (“DOEE”); DC Councilmember Lewis-George and the At-Large DC Councilmembers; and property owners owning property within 200 feet of the Property located in the District.² (Ex. 18-19.)

4. OZ also published notice of the June 15, 2023, public hearing in the *District of Columbia Register* on April 14, 2023 (70 DCR 4373), as well as through the calendar on OZ’s website. The Applicant posted notice on the Property and maintained such notice, pursuant to the Zoning Regulations. (Ex. 17, 20, 126.)

Parties

5. The parties to the case were the Applicant, ANC 4B, the ANC in which the Property is located, and the Opponent Party, a Party in opposition that included one organization and four individuals and was represented by a single counsel.³ ANC 4B submitted multiple letters in support of the Application and presented testimony in support of the application at the June 15, 2023 public hearing. (Ex. 10, 11, 19, 21, 22, 24, 25, 37, 231A, 231B.)

The Property and Surrounding Area

6. The Property is located adjacent to the Takoma Metrorail Station and is bounded by the Metrorail tracks to the west, Carroll Street, N.W. to the south, Cedar Street, N.W. to the east, Eastern Avenue, N.W. to the northeast, and private property to the north. The Property is owned by WMATA and is located in the Takoma neighborhood of Ward 4. The Property contains approximately 6.78 acres of land area and is within the boundaries of the Takoma Historic District. (Ex. 3.)
7. The Property slopes from its high point at the intersection of Carroll and Cedar Streets, N.W. down approximately 20.5 feet to its low point adjacent to Eastern Avenue, N.W. The Property is currently improved with a surface parking lot that includes 154 WMATA short-term parking spaces, Kiss and Ride spaces, additional significant hardscape elements (over 50% of the Property is currently impervious), a bus loop and adjacent bus stops for nine buses, bicycle racks and bicycle lockers, and Capital Bikeshare stations. The Applicant noted that the open spaces that currently exist on the Property are disjointed and significantly underutilized. (Ex. 3.)
8. The Property is served by the Red Line in the Metrorail system, as well as by several Metrobus lines, including the 52, 54, 59, 62, 63, F1, F2, and K2 lines. Additionally, the Property is served by eight Montgomery County Maryland Ride-On buses. The Property

² See Conclusion of Law 10 below for a discussion of the notice to property owners owning property located within 200 feet of the Property located in Maryland.

³ The Opponent Party consisted of Historic Takoma, Inc., Sabrina Eaton, Ellen Kurlansky, Sharon Broderick, and Peter Feiden.

currently consists of a mix of zones—the MU-4 zone covers the northern and western portions of the Property while the southern portion is in the NC-2 zone (now NMU-4/TK) and the eastern portion is in the RA-1 zone. (Ex. 3.)

9. The immediate neighborhood around the Property is comprised of a mix of uses. Along Carroll Street, N.W. are smaller retail buildings and larger multi-family buildings, including some mixed-use buildings. Ground level retail uses are provided along Carroll Street, N.W. to the north into Maryland and further to the south along Carroll Street, N.W., and nearby on 4th Street, N.W. There are also additional multi-family residential buildings and single-family homes surrounding the Property and on the opposite side of the Metrorail and CSX tracks. The private property immediately northwest of the Property is improved with apartment buildings, while there are single-family homes across Eastern Avenue from the Property in Maryland. (Ex. 3.)

II. The Project

10. The Application seeks to redevelop the Property with a mixed-use project consisting of a new multi-use building providing approximately 430-440 residential units (at least 15% of the residential gross floor area will be reserved as Inclusionary Zoning (“IZ”) affordable units – 12% at 60% MFI and 3% at 30% MFI⁴); 15,000 – 18,000 square feet of ground level retail; a new Metro zone adjacent to the Metrorail station to provide improved Metrobus and Metrorail operations; and approximately 1.8 acres of permanent open space that includes passive recreation park areas and a retail/cafe plaza (the “Project”). The Project will have a FAR of 1.69 and a measured building height of 76 feet. (Ex. 3.)
11. The Applicant stated that the Project will benefit the District of Columbia by facilitating the long-planned redevelopment of an underutilized, large surface parking lot at a Metrorail Station with a mixed-use development that includes a significant amount of new and affordable housing and community/neighborhood serving retail uses. The Project will also benefit the surrounding neighborhood through the provision of a large community park and retail plaza, a shared use pedestrian/bicycle path, and enhanced WMATA facilities. The Project’s public benefits include housing and affordable housing; superior urban design/architecture; superior landscaping and creation of open spaces, environmental and sustainability benefits; mass transit improvements; and uses of special value. The Applicant stated that the Project creates a strong, appropriately scaled and fully articulated architectural treatment of all sides of the building with appropriate buffers and setbacks to the surrounding residential uses. In sum, the Project exhibits the appropriateness, character, scale, height, uses, and design for approval as a consolidated PUD. (Ex. 3.)

⁴ The Applicant also noted that it had applied for funding from the DC Department of Housing and Community Development (DHCD)’s Tax Abatements for Affordable Housing in High-Needs Areas (HANTA) program. At the Public Hearing and in pre-hearing and post-hearing submissions, the Applicant noted that it had been in regular contact with DHCD and anticipates approval of the HANTA application that will allow the Project to increase the number of affordable units (IZ and non-IZ units) to 33% of the total number of units (approx. 144 units). The 74 HANTA units would consist of 6 studios, 49 one-bedroom units, and 19 two-bedroom units. (Ex. 38, 222.)

12. The Applicant also noted the urban design goals of the Project which seek to: strengthen the network of open and accessible gathering spaces in the Takoma neighborhood by creating a high-quality transit-oriented design with an emphasis on bicycle and pedestrian access; connect the retail corridors of Takoma DC and Takoma Park, MD along Carroll Street, N.W.; and create clearly defined development zones on the Property (transit zone, building zone, and open space/buffer zone). The Applicant posited that the Project's program furthers the following goals:

- *Balance the Creation of New Housing/Affordable Housing with Neighborhood Context:* The Project seeks to contribute much-needed new housing and affordable housing at a scale and density that is appropriate for the Property (WMATA owned land adjacent to the entrance to the Takoma Metro Station) and is also compatible with the adjacent residential uses and the Takoma Historic District. The Applicant argued that the Project's housing and affordability program are consistent with the Mayor's housing goals, and various elements of the Comprehensive Plan. These planning documents specifically call for greater housing density on the Property, commercial revitalization of the surrounding area, and more generally highlight the acute need for more affordable housing and equitable inclusion in housing;
- *Creation of Permanent Public Open Space and Neighborhood Serving Retail:* The creation of approximately 1.8 acres of open space on the Property, that includes both passive recreational park space and a retail/cafe plaza, will help create an important community gathering space in the Takoma neighborhood that is consistent with the goals of the Rock Creek East Area Element and the 2002 Takoma Central District Plan (the "Takoma SAP" or "Takoma Central District Small Area Plan"). The introduction of 15,000 – 18,000 square feet of retail/commercial uses in the Project, along with the retail/café plaza, will add a sense of vibrancy and activity to the area as people travel to and from the adjacent Takoma Metro station; and
- *Balance Parking/Transportation and WMATA Infrastructure Demand Impacts:* In addition to ensuring that the amount of parking (vehicular and bicycle parking) provided in the Project is appropriate and will meet the needs of the residential units and the retail tenants, the Project provides WMATA with the necessary and updated infrastructure and facilities to conduct Metrobus and Metrorail operations on the Property. (Ex. 3.)

13. The Applicant noted that the proposed development of the Property has been guided by utilizing the Property into three distinct zones: a transit zone for Metro uses and operations closer to the Metrorail station and entrance, a building zone that engages with the surrounding uses, and an open space/buffer zone that includes dedicated active and passive recreation spaces for the general public and residents of the Project as follows:

- Transit Zone - The transit zone is located against the WMATA/CSX train tracks and the existing entrance to the Takoma Metrorail Station. This zone includes the new WMATA bus loop that allows buses to enter and exit the Property from Eastern Avenue, N.W. and from Carroll Street, N.W., 10 bus stops (nine of which have a bus shelter and one of which will have a bus stop pole), two bus layover spaces, and a

separate lane dedicated to 16 Kiss & Ride spaces (including two accessible spaces). A specifically designed breakroom and restroom for WMATA Staff will be located within the Level 1 garage area. In addition, the transit zone will include a WMATA Bike & Ride facility with a final count to be determined by WMATA, as well as outdoor bicycle u-racks. The Applicant stated that the clustering of these uses on this portion of the Property enhances pedestrian safety by limiting potential conflicts between buses and pedestrians and also reduces the visual and noise impact of the bus infrastructure on the surrounding neighborhood. Enhanced pedestrian safety measures including well marked and thoughtfully located crosswalks, accessibility, and curb bump-outs to reduce the crossing distance. In addition, a new traffic signal will be installed at the location of the new bus and Kiss and Ride entrance/exit along Carroll Street, N.W.; (Ex. 3, 38.)

- Building Zone - The building zone consists of the area generally in the middle of the Property. It will include the structure that houses the approximately 430-440 residential units (with a mix of studios, one-bedroom, two-bedroom, and three-bedroom units), 15,000–18,000 square feet of retail/ service uses and associated structured parking. The overall massing of the building is broken down into different façade typologies in order to respond and relate to the varied neighboring uses; and

The architecture of the building includes four distinct typologies:

- Mixed-Use Carroll Street Façade and Retail/Café Plaza – Urban Character: The overall design creates a vibrancy that ties together the Takoma urban fabric. Furthermore, one of the major design goals is the preservation of existing trees throughout the site and specifically along Carroll and Cedar Streets, N.W. This goal not only respects the existing conditions, but also shapes the contours and design of the public realm to create an experience that nestles into the topography of the site. At the intersection of Carroll and Cedar Streets, N.W. the plaza transitions to a series of terraces that creates a special experience for the Takoma neighborhood. The new ground level retail/service uses lining the plaza provide approximately 17,650 square feet of high-quality space creating a dynamic public plaza experience. In addition, the plaza includes areas for retailers to have outdoor dining and to take advantage of indoor/outdoor uses. The retail scale is consistent with nearby Takoma retail. The residential façade above the retail uses scale, layering, and materiality to relate to adjacent mixed-use residential buildings across Cedar and Carroll Streets, N.W.; (Ex. 3, 38.)
- Eastern Avenue Residential Façade – Residential Scale: The Cedar Street, N.W. and Eastern Avenue, N.W. facades provide a transition from the active Carroll Street, N.W. façade to the more residential character of Eastern Avenue, N.W. As the building transitions from Carroll Street, N.W., a hyphen single-loaded corridor creates a hierarchy that establishes the main residential building entrance and access to the internal courtyard that serves as multipurpose access to the building. The main residential lobby is tastefully defined by an intimate arrival with enhanced materiality surrounded by double-height glazing that embraces both the courtyard and the public park. This space will create transparency and connect the building with its surroundings. As the building transitions closer to Eastern Avenue, N.W., the combination of alternating large and small punch windows and projecting balconies underscore a residential façade vocabulary. In addition, the building has

a meaningful setback on the upper two levels to reduce the massing closer to the single-family homes on the opposite side of Eastern Avenue, N.W.; (Ex. 3, 38.)

- Façade Along the Metrobus Facilities and WMATA/CSX Train Tracks – Dynamic Visual Presence: The architecture adjacent to the Metrorail station is intended to capture the sense of motion from the Metro trains. Similar to the Eastern Avenue, N.W. façade, the composition of scale and materiality creates a residential vocabulary, while layering of alternating horizontal and vertical articulations play off of the movement of the neighboring elevated Metrorail trains. There is also a marquee moment for signage to further the sense of arrival to the Takoma neighborhood. Due to the grade of the site the parking at this façade is partially exposed but is creatively screened with greenery creating a pleasant experience for the Metrobus and Kiss & Ride users that will travel along this area; and (Ex. 3, 38.)
- Internal Courtyard: The primary access to the parking spaces provided in the Project will occur via a woonerf from Cedar Street, N.W. Vehicles will pass underneath the hyphen portion of the building that connects the Cedar Street/Eastern Avenue, N.W. façade and the Carroll Street, N.W. façade, and then into the internal courtyard where the primary entrance/exit to the parking spaces. A secondary residential entrance/exit to the parking spaces is accessible from the shared portion of the access road from Eastern Avenue, N.W. Both delivery and moving vehicles will also utilize the woonerf to access the loading berths/spaces. This design ensures that all of the loading occurs off of the surrounding neighborhood streets. This space is thoughtfully programmed for pedestrian and bicycle access and the prioritization of safety with extra pedestrian crossing points, differentiation in paving between vehicular areas and pedestrian areas, bollards and appropriate signage. The internal courtyard also includes plantings, ornamental paving, functional and festive lighting, and outdoor furnishings. The residential bicycle room faces the internal courtyard and provides direct and easy access for cyclists. Retail patrons who park in the garage will also travel through this amenity courtyard and pedestrians and bicyclists can also cut through to the Metro services through this courtyard (in addition to from the Plaza and major streets). (Ex. 3, 38.)
- Open Space and Buffer Zone - The open space/buffer zone is generally provided along the Eastern Avenue frontage of the Property. This area includes open space that is intended for passive recreation use and also creates a significant buffer area between the building and the residential properties on the Maryland side of Eastern Avenue. This area includes meandering pedestrian paths as well as a 10-12-foot-wide shared pedestrian/bicycle path that provides a more direct route to the Metro Station entrance. A central gathering space that will include a “signature” piece of public/climbable art is proposed in this area as well. The Applicant intends to engage with female artists and/or artists of color in the design and integration of this art into this open space. (Ex. 3.)

14. The Project includes up to approximately 495,260 square feet of gross floor area (“GFA”), 389,850 square feet of residential GFA, 87,760 square feet of parking spaces, and 17,650 square feet of retail/service uses, for an overall floor area ratio (“FAR”) of approximately 1.69. The Project will have a maximum measured building height of 76 feet. The Project

also includes 228 below grade vehicle parking spaces (162 residential parking spaces and 66 retail parking spaces), satisfies the loading requirements of the Zoning Regulations, and exceeds the bicycle parking requirements of the Zoning Regulations. (Ex. 3, 38A5, 240A4.)

15. The building includes multiple, scaled facades to reflect the differing sides of the building and the scale each engages. The building's ground floor includes significant pedestrian activation, and the overall massing is broken up to create an appropriately sized building immediately adjacent to transit but respectful of the surrounding community. The Project will include 188 units with balconies, which is 43% of the total number of units. The breakdown of the balcony types is: 10 units with French balconies; 63 units with fully recessed balconies, and 115 units with projecting balconies. (Ex. 3, 233.)
16. The 434 units proposed in the Project includes a mix of studios, one-bedroom, two-bedroom and three-bedroom units. The market rate units include: 49 Studios (approximately 8% of the total number of units); 121 one-bedroom units (approximately 26% of the total number of units); 83 Junior one-bedroom units (approximately 17% of the total number of units); 34 one-bedroom with den units (approximately eight percent of the total number of units); and 77 two-bedroom units (approximately 26% of the total number of units). The proposed Inclusionary Zoning ("IZ") Units include: 11 Studios (all at 60% MFI); 43 one-bedroom units (41 at 60% MFI and two at 30% MFI); 10 two-bedroom units (eight at 60% MFI and two at 30% MFI); and six three-bedroom units (all at 30% MFI). (Ex. 38A5, 240A4.)
17. The site plan layout takes into account the existing tree canopy, capitalizing on creating a building that is "nestled" into the site, integrating the existing trees into the overall exterior/open space design and programming. In a post-hearing submission, the Applicant stated that there are currently one 133 trees on the site, with 64 trees deemed to be in good condition, 57 trees deemed to be in fair condition with a slow decline, and 12 trees deemed to be either in poor condition or dead. Although development of the PUD Project requires the removal of 118 trees, (including 69 unregulated trees, three dead trees, and two trees in poor condition), the PUD Project proposes the retention of 15 trees (consisting of four Heritage Trees, 10 Special Trees, and one unregulated tree) and the planting of 70 new trees (with the potential for six additional trees near the WMATA facilities discussed above). (Ex. 3, 233, 233C.)
18. The Project will include the following programmed and thoughtfully designed spaces: 0.55 acres for the retail plaza open space (which includes public seating areas), 1.15 acres for the community park open space, and 0.15 acres of additional community park open space, located north of the vehicular access on Eastern Avenue. The Applicant noted that it is committed to working with ANC4B and the DC Department of Recreation to refine the specific community park elements and open space furnishings to enhance the safe enjoyment of the space for all. (Ex. 233.)
19. The exiting site area is approximately 50% impervious and has minimal stormwater management controls to treat or to slow down stormwater exiting the property. After

development of the Project, approximately 69% of the site area will be impervious. The development of the Project will include the installation of numerous bioretention facilities and extensive and intensive green roof areas that allows the PUD Project to meet all District Department of Energy and Environment (DOEE) stormwater standards and regulations. (Ex. 233.)

Revisions to Project in Response to Setdown Comments

20. In its January 30, 2023, report (the “OP Setdown Report”) OP recommended that the application be set down for a public hearing, as the Project would not be inconsistent with the Comprehensive Plan. The OP Setdown Report stated that OP would work with the Applicant to adequately address the following issues prior to a public hearing:
 - Provide an update on the HANTA-funding application and if the IZ set-aside will increase to 33%;
 - Provide more details on the pedestrian circulation in the courtyard; and
 - Provide more details on if there is an entrance/exit for the portion of the building along Carroll Street, N.W. (Ex. 12.)
21. At the February 9, 2023, public meeting, during which the Commission voted to set the Application down for a hearing, the Commission concurred with the OP Setdown Report and requested the Applicant address the following issues:
 - Address the need for the amount of parking provided in the Project;
 - Provide further study of the courtyard to reduce the potential for auto/pedestrian conflicts;
 - Provide relevant information using the Racial Equity Analysis Tool; and
 - Address the affordable housing requirements noted in the Takoma Central District Plan. (Tr. at 37-42.)
22. In its March 17, 2023, and May 25, 2023, pre-hearing filings, the Applicant responded to the requests from OP and the Commission for additional information. (Ex. 14-14D, 38-38D.)

Zoning Relief Requested

23. The Applicant requested a PUD-related map amendment to the MU-5A zone. As a result of the PUD-related map amendment, the Project could achieve a greater height (76 ft. proposed) than permitted under the existing matter-of-right zoning (40 ft. under RA-1, and 50 feet under NC-2 and MU-4). The MU-5A zone permits a maximum FAR of 5.04 and a maximum building height of 90 feet if approved as a PUD. The Project is consistent with the Zoning Regulations with respect to all development standards applicable to the MU-5A zone; therefore, the Application did not request zoning relief from any development standards of the Zoning Regulations. (Ex. 3, 59.)

Applicant’s Justification for Satisfaction of PUD Evaluation Standards

24. The purpose of the PUD process is to provide for higher quality development through flexibility in building controls, provided that the project that is the subject of the PUD (i) results in a project superior to what would result from the matter-of-right standards; (ii) offers a commendable number or quality of meaningful public benefits; and

(iii) protects and advances the public health, safety, welfare, and convenience, does not circumvent the intent and purposes of the Zoning Regulations, is not inconsistent with the Comprehensive Plan, and does not result in action inconsistent therewith. (11-X DCMR §§ 300.1, 300.2, 300.5, 307.1.) The Applicant asserted that the Project satisfies each of the above PUD requirements.

(i) The Project Is Superior to the Development of the Property under the Matter-of-Right Standards.

The Project's contribution of housing, including affordable housing, permanent dedicated community open space, a commitment to providing public art, and the community engagement process that accompany this PUD process all exceed what would be provided under matter-of-right standards. Specific aspects of the Project superior to a matter-of-right development include:

- Housing and Affordable Housing – The Project's contribution of approximately 430-444 housing units along with the amount of affordable housing and levels of affordability (15% of the residential gross floor area, with 3% of that amount reserved for families with incomes of less than 30% MFI) included in the Project exceeds the amount that would be required in a matter-of-right development pursuant to the IZ requirements. Moreover, there are currently zero housing units or affordable units provided on the Property, so the delivery of this Project adds needed housing to the City's housing stock and affordable housing;
- Community Open Space and Public Benefits – The Project's contribution of 1.8 acres of open space and retail/cafe plaza to be made available to the public, the commitment to providing public art (with a goal of including art from artisans including local women or women of color), and the wide multi-use paths that extend across the Property exceed what would be provided in a matter-of-right development; and
- Community Engagement – The Applicant conducted a comprehensive public outreach and engagement process with multiple opportunities for neighbor, community group, and public agency participation. Those opportunities, and future ones, would not exist for a matter-of-right development of the Property. (Ex. 3.)

(ii) The Public Benefits Are Commendable in Number and Quality.

The Project delivers Public Benefits and other project amenities. These Public Benefits fulfill goals set forth in the Comprehensive Plan and the Takoma Central District Plan, the priorities of District agencies and stakeholders, and the preferences, needs, and concerns of the ANC and community residents identified during the Applicant's community engagement process. Accordingly, the Public Benefits package is a meaningful series of commitments that satisfy the intent and purposes of the PUD process. (Ex. 3.)

(iii) The Project Protects and Advances Public Health, Safety, Welfare, and Convenience and Does Not Circumvent the Purposes of the Zoning Regulations.

The Project advances and protects the intent and purposes of the Zoning Regulations, which are set forth in Subtitle A, Section 101 of the Zoning Regulations:

- Through the development of an underutilized parcel owned by WMATA and adjacent to the Takoma Metro station, the Project improves major public interests and priorities such as housing and affordable housing, permanent open space, ground level activating design and retail uses, and high-quality, environmentally sustainable design. Moreover, for the reasons discussed below, the Project does not adversely affect public safety and public infrastructure or otherwise impose adverse impacts on the surrounding community. Moreover, the proposed enhancements to Metrobus and Metrorail operations that will be created as a result of the Project are significant improvements to public infrastructure. In addition, the Project satisfies numerous goals and objectives for the District as set forth in the Comprehensive Plan and the Takoma Central District Plan;
- The development of the underutilized Property with housing and affordable housing and enhanced Metrobus and Metrorail facilities advances the public health, safety, welfare, and convenience goals of the District by converting underutilized lots to more productive use. Accordingly, the Project advances these purposes of the Zoning Regulations; and
- The Project does not seek to circumvent the Zoning Regulations. The Zoning Map Amendment seeks to amend the Zoning Map to rezone the Property from the MU-4/NC-2/RA-1 zones to the MU-5A zone, which – as further described below – is consistent with the Property’s FLUM designation and the Comprehensive Plan. The MU-5A zone is intended to permit medium density, compact mixed-use development with an emphasis on residential use and is to be located at rapid transit stops. The Project conforms to all of the requirements for the MU-5A zone, is compatible with the existing neighborhood, and will support active use of transit and newly established public spaces. (Ex. 3.)

25. The Project includes eight categories of substantive Public Benefits as defined according to the public benefits categories set forth in 11-X DCMR § 305 of the Zoning Regulations:

- Superior Urban Design and Architecture (11-X DCMR § 305.5(a).) The Project’s urban design and architecture are superior and can be considered to be project amenities for a project proceeding under a PUD;
- Site Planning, and Efficient and Economical Land Utilization (*id.* § 305.5(c).) Subtitle X § 305.5(c) states that site planning and efficient and economical land use are considered a public benefit of a PUD. Here, the Project takes a significantly underutilized site and creates a thoughtfully planned, community-oriented development. The Property’s current use as a large surface parking lot, with conflicting bus, car, pedestrian, and bicycle infrastructure is inefficient and outdated. By contrast, the Project will create a safe, efficient development with integrated multi-modal transit facilities, large open spaces to serve the community, and focuses new housing and retail uses immediately adjacent to Metro; (Ex. 3.)

- Housing and Affordable Housing (*id.* § 305.5(f)(3), (g).). Pursuant to Subtitle X, Subsection 305.5(f)(3), the production of units with three or more bedrooms is considered a public benefit of a PUD Project. The Project includes six three-bedroom units, all reserved as affordable units for tenants at 30% MFI or lower. All such three-bedroom units constitute public benefits. Pursuant to Subtitle X § 305.5(g), the production of housing that exceeds the amount that would have been required under the IZ provisions is a public benefit of a PUD. The Project includes 15% of the residential gross floor area of the building as affordable units. The IZ Regulations only require 10% of the residential gross floor area be reserved as affordable units. In addition, three percent of the affordable housing square footage will be reserved for tenants with incomes of 30% or less of MFI, with the remaining reserved for tenants with incomes of 60% or less of MFI. The IZ Regulations only require that the IZ units be reserved for tenants at 60% MFI; (Ex. 3.)
- Superior Landscaping and Open Spaces (*id.* § 305.5(b).) Subtitle X § 305.5(b) states that superior landscaping or creation or preservation of open spaces are considered a public benefit of a PUD. The Project includes an approximately 1.8-acre open space. The Project's public open spaces include design principles interlacing communal, intergenerational, inclusive, and active recreation elements. A key feature of the community park is envisioned to be a multigenerational climbable element. The community park design also includes multiple seating options that allow for relaxation, observation, and socializing. The open space is designed with the existing canopy trees on site in mind and careful attention to the planning and integration of all site amenities and required infrastructure such as bio-retention areas. With a holistic approach to sustainability via retention of mature canopy, minimizing heat island effect, integrated bio-retention areas a part of the park's natural amenities, legible and accessible pedestrian connectivity, public art and quality materials, the Project's open spaces will be converted from being just a tree/lawned area, to becoming an engaging neighbor-oriented park suitable for small day-to-day activities as well as neighborhood scale community events; (Ex. 3, 233.)
- Environmental and sustainable benefits (*id.* § 305.5(k).) The Project will provide a number of environmental benefits, including the installation of numerous bioretention facilities and extensive and intensive green roof areas, on a site that has minimal stormwater management controls to treat or to slow down stormwater exiting the property and the Project will be designed to achieve LEED Gold certification pursuant to the LEED B+C: Multifamily Midrise v4 standards; (Ex. 3, 233.)
- Streetscape Plans (*id.* § 305.5(l).) Subtitle X § 305.5(l) states that streetscape plans are considered to be public benefits and project amenities of a PUD. The Project will include improvements to the streetscape along Carroll Street, Cedar Street, and Eastern Avenue, in accordance with DDOT standards; (Ex. 3.)
- Uses of Special Value (*id.* § 305.5(q).) Subtitle X § 305.5(q) lists uses of special value to the neighborhood or the District of Columbia as a whole as public benefits and project amenities of a PUD. The Applicant has agreed to work with the Takoma community and ANC 4B to identify and create art projects as part of the PUD with a goal to include art from local women or women of color and participatory or playable art in the open spaces; and (Ex. 3.)

- Other Public Benefits Which Substantially Advance the Comprehensive Plan (*id.* § 305.5(r).). The proposed Project is consistent with many of the District's policy goals and objectives. The Zoning Regulations provide that elements of a project that advance the Comprehensive Plan and related policies are public benefits. (Ex. 3.)

26. Based on the extensive evidence provided in the record, the Commission agrees that the Project satisfies the PUD Evaluation standards. The Commission's analysis of the PUD benefits is at Conclusions of Law 18, and the PUD balancing test is at Conclusions of Law 19.

The Project Has No Unacceptable Impacts on the Surrounding Area or on the Operation of District Services or Facilities

27. The Applicant prepared and submitted a Comprehensive Transportation Review ("CTR"). The CTR concluded that the Project will not have a detrimental impact on the surrounding transportation network assuming the proposed site design elements and Transportation Demand Management measures are implemented. The CTR noted the following design elements of the Project that minimize transportation impacts:

- The inclusion of secure long-term and short-term bicycle parking spaces;
- The inclusion of a shared use path on the property which provides a connection to nearby bicycle facilities;
- The inclusion of extensive pedestrian improvements around the property and at the Carroll Street intersection with the WMATA bus-loop, including the signalization, curb extensions and installation of the missing crosswalk on the east leg of Carroll Street;
- A Loading Management Plan (LMP) that facilitates safe and orderly loading operations; and
- A Transportation Demand Management (TDM) Plan that reduces the demand of single-occupancy, private vehicles during peak period travel times and shifts single-occupancy vehicular demand to off-peak periods. (Ex.27, 27A.)

28. In addition, the CTR included a TDM, which included the following elements:

- Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit or commercial lease and charge a minimum rate based on the average market rate within a quarter mile. Only hourly, daily, weekly or monthly rates will be charged. Free parking, validation, or discounted rates will not be offered;
- Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
- The Transportation Coordinator will conduct an annual commuter survey of building employees and residents on-site, and report TDM activities and data collection efforts to goDCgo once per year for three years;
- Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to residents, employees and customers, including promoting

transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications for three years;

- The Transportation Coordinator will subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
- Provide residents and employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
- Offer a SmarTrip card and one complimentary Capital Bikeshare coupon good for a free ride to every new resident or employee for the initial lease up period of the building operations;
- Provide at least 27 short- and 149 long-term bicycle parking spaces;
- Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids' bikes, with a minimum five percent of spaces (eight for this project) being designed for longer cargo/tandem bikes (10' x 3'), a minimum of 10% of spaces (15 for this project) will be designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 50% of spaces (75 for this project) will be placed horizontally on the floor. There will be no fee to the residents or employees for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room;
- Install a minimum of five electric vehicle (EV) charging stations;
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter;
- Install a Transportation Information Center Display (electronic screen) within the building amenities containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles;
- Provide a bicycle repair station in the long-term bicycle parking storage room;
- Hold a transportation event for residents, customers, employees, and members of the community once per year for a total of three years. Examples include resident social,

walking tour of local transportation options, goDCgo lobby event, transportation fair, WABA Everyday Bicycling seminar, bicycle safety/information class, bicycle repair event, etc.);

- Collect parking demand and trip generation data, annually, for three years after building opening and report this information to DDOT's Planning and Sustainability Division (PSD);
- The Applicant will provide \$100,000 in funding for Capital Bikeshare improvements, with the type and location of the improvements to be determined by DDOT;
- The Applicant will offer an annual Capital Bikeshare membership to each resident over the age of 18 years for each of the first three (3) years after the building opens;
- Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com;
- Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised;
- Provide one collapsible shopping cart (utility cart) for every 50 residential units, for a total of nine, to encourage residents to walk to the grocery store and run errands;
- Post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for [customers, attendees, patrons] discouraging parking on-street in Residential Permit Parking (RPP) zones;
- Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law to participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future such as the Parking Cash-Out Law;
- Provide at least one locker for use by employees; and
- Coordinate with WMATA and DDOT on a way finding plan along walking routes to the property from the Takoma Metro station. (Ex. 38B.)

29. The Applicant also proposed the following pedestrian and safety improvements subject to DDOT approval:

- Realign and reconfigure the Carroll Street and WMATA bus loop intersection to include the following pedestrian safety improvements:
 - Concrete curb extensions on the northwest corner to replace the existing striping and flex-posts;
 - Expanded concrete median divider on Carroll Street to replace the existing striping and flex-posts;
 - Concrete curb extensions on the south curb of the intersection to replace the existing striping and flex-posts; and

- New crosswalk on the eastern leg of the intersection, which currently lacks a crosswalk;
- Provide a new mid-block raised pedestrian crossing across the realigned kiss-and-ride lane connecting to a striped crossing of the new bus loop, connecting the Project with the Takoma Metro station entrance;
- Install a traffic signal at the Carroll Street intersection with the realigned bus loop, including pedestrian phasing/signals, subject to DDOT Traffic Engineering and Signal Division (TESD) approval. Signal warrant analysis and signal design plans will be provided to TESP for review prior to issuance of a building permit. If approved by TESP, the traffic signal will be installed prior to issuance of the first Certificate of Occupancy for the Project. If TESP determines the signal is not warranted or is not ready for installation to occur, the Applicant will contribute \$250,000 to the DDOT Transportation Mitigation Fund;
 - The traffic signal will be critical to provide efficient operations for buses leaving the loop, as well as facilitating safe pedestrian movements immediately adjacent to the Metro Station entrance; and
- The Applicant will fund and construct pedestrian safety enhancements at the intersection of Eastern Avenue and Cedar Street, N.W., subject to DDOT approval. The construction will include a new concrete curb extension on the west side, removal of the concrete island, installation of any missing curb ramps, and signage/stripping changes. (Ex. 38B.)

30. The Applicant carefully studied the Project's potential impacts and provided evidence into the record that the Project has no unacceptable adverse impacts on the surrounding area or on the operation of District services or facilities that cannot be mitigated or that are not acceptable in light of the Public Benefits.

- Zoning Impacts. The Project has no unacceptable Zoning impacts on the surrounding area and any impacts are instead either favorable, capable of being mitigated or acceptable given the quality of public benefits of the Project. The Applicant requests a Zoning Map Amendment for the Property to the MU-5A zone. This proposed zone is consistent with the Comprehensive Plan. The FLUM designates the Property for Mixed-Use: Medium Density Residential/Low Density Commercial, with an added Local Public Facilities stripe in the southern portion. The Zoning Regulations (Subtitle G, Section 101.10.) notes the following with regard to the MU-5 zones:

The MU-5 zones are intended to:

- (a) Permit medium density, compact mixed-use development with an emphasis on residential use;
- (b) Provide facilities for shopping and business needs, housing and mixed-uses for large segments of the District of Columbia outside of the central core; and
- (c) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

The proposed MU-5A zone is consistent with the Comprehensive Plan and the Zoning Regulations. Further, the proposed use is consistent with the uses otherwise allowed in surrounding zones, including multi-family housing and retail. While the 76-foot height proposed by the Project exceeds heights in the existing community, the creation of significant green buffer space and set-backs coupled with the Property's immediate adjacency to the Metro Station, makes the proposed height appropriate. Further, the Project's proposed density is less than that of many surrounding developments given the priority of open space at the Project. Finally, the Property is buffered on three of four sides by streets or Metrorail lines, and the design maintains a significant setback from the adjacent multi-family housing to ensure appropriate transitions into the community. The Applicant provided information at the Public Hearing which noted that based on the land area of the current RA-1, MU-4, and NC-2 zones, a total of 576,750 square feet of GFA could occur as a matter-of-right on the Property. The Project proposes the development of only 495,260 square feet of GFA; (Ex. 3, 222.)

- Land Use Impacts. The Project has no unacceptable land use impacts on the surrounding area and any impacts are either favorable, capable of being mitigated or acceptable given the quality of public benefits of the Project. The Project is fully consistent with the goals and policies of the Comprehensive Plan. Specifically, the Project will create a transit-adjacent, mixed-use development prioritizing housing, including affordable housing, retail, open green space, and enhanced WMATA facilities. The proposed uses, height, and density of development is entirely consistent with the Comprehensive Plan – including the FLUM, GPM, Land Use Element, other city-wide elements, the Rock Creek East Area Element and the 2002 Takoma Central District Small Area Plan. The Project will create community-serving use in a development thoughtfully designed for its context within the neighborhood; (Ex. 3.)
- Housing Market Impacts. The Project's addition of new housing and affordable housing is a favorable impact. The Project creates new, high-quality, transit-accessible housing units on an underutilized parcel. Such units are in high demand across the District. The addition of new housing also has favorable impacts by adding residents to support the nearby commercial uses. The Project's inclusion of affordable units has favorable impacts because it helps address the District's ongoing affordable housing shortage in an inclusive, mixed-income community. The Project's addition of new housing units helps buffer increasing housing costs, insofar as increasing the supply of housing is widely understood to dampen rent increases; (Ex. 3.)
- Construction-Period Impacts. During the construction period for the Project, impacts on the surrounding area are capable of being mitigated. The Applicant has experience successfully completing construction projects in infill locations while ensuring minimal disturbance to any neighboring properties; (Ex. 3.)
- Economic Impacts. The Project likely has favorable economic impacts on the neighborhood and the District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 4 and the District as a whole. The introduction of new residential uses contributes patrons for the existing retail uses along the retail corridors of Takoma DC and Takoma Park, MD. The Project will have positive tax revenue effects for the District. To the extent there are any adverse effects from the Project, such effects are more than offset by the Project's Public Benefits; (Ex. 3.)

- Cultural and Public Safety Impacts. The Project has favorable impacts on the culture of the surrounding area and on public safety. The Project adds many new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The design of the Project adds street activity, promotes “eyes on the street”, adds quality lighting, and makes other improvements all of which have positive effects on crime deterrence and help establish a true gathering place for the Takoma community; (Ex. 3.)
 - Environmental Impacts. The Project does not have any unacceptable impacts and in fact has favorable environmental impacts on the Property. The Applicant supplied the required information noting that the general environmental infrastructure systems around the Property have capacity for the Project. Additionally, the Project will meet the Green Area Ratio and stormwater management retention and detention requirements, which currently does not occur on the Property; and (Ex. 3, 3J.)
 - Facilities Impacts. The Project will not have an adverse impact on the facilities that it will rely on for service. The utility and infrastructure facilities the Project will rely on, including electricity, water, sewer, and natural gas, have the capacity for the Project’s anticipated impact. The Project is also not expected to have an adverse impact on the schools in the area. The local schools that serve the Property are Takoma Elementary School, Ida B. Wells Middle School, and Coolidge High School. Takoma Elementary School operates near its total capacity but not over, while both Ida B. Wells Middle and Coolidge High operate under their total capacity. In addition to these neighborhood schools, the District also has a robust community of public charter schools and private schools that serve the neighborhood. Therefore, given the unit mix at the Project, the population of school-age children are not expected to be significant enough to negatively impact the school populations. (Ex. 3, 3J.)
31. Based on the extensive evidence provided in the record, the Commission agrees that the Project does not create any unacceptable impacts on the surrounding area. The Commission’s analysis of the impacts is found at Conclusions of Law 17.

The Project Is Not Inconsistent with the Comprehensive Plan (10A DCMR, the “CP” or the “Comp. Plan”)

32. The Applicant provided a detailed analysis of the Project’s consistency with applicable objectives of the Comprehensive Plan and other adopted public policies, or active programs related to the subject site (including the Takoma Central District Plan and the Mayor’s Housing Order). Specifically, the Applicant noted the following:
- Future Land Use Map (“FLUM”): Adopted by the D.C. Council as part of the 2021 amendments to the Comprehensive Plan, the northern portion of the Property is designated on the FLUM as Mixed Use (Medium Density Residential / Low Density Commercial) and the southern portion of the Property is designated as Mixed Use (Medium Density Residential / Low Density Commercial / Local Public Facilities). The Project’s proposed height, density, and mix of uses is appropriate given the Property’s medium-density mixed-use designation on the FLUM. The Project has a proposed density of approximately 1.69 FAR, which is consistent with Framework

Element guidance which states “the general density and intensity of a development within a given Mixed-Use area is determined by the specific mix of uses shown”. (10A DCMR § 227.21.) The Project’s density is well within even typical [matter-of-right] guidance on density for the components of its Mixed-Use designation that state typical density ranges and consistent zone districts in the description of the FLUM category (i.e., the Medium Density Residential and Low-Density Commercial categories). Consistent with Framework Element guidance, the measured building height of 76 feet is appropriate as part of the proposed PUD since, “the goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits, and protects and advances the public health, safety, welfare, and convenience.”; (10A DCMR § 224.7.)

- Generalized Policy Map (“GPM”): The Property is predominantly located within a Neighborhood Enhancement Area on the Generalized Policy Map, with the southern portion of the Property within a Main Street Mixed Use Corridor. The Project is not inconsistent with the GPM Neighborhood Enhancement Area and Main Street Mixed Use Corridor⁵ designations. Consistent with Framework Element guidance on Neighborhood Enhancement Areas, the Project represents a compatible infill development that will expand the range of housing types in the Rock Creek East area by providing substantial new multi-family housing immediately adjacent to Metrorail, including affordable and deeply affordable housing. The housing and retail use within the Project is consistent with the Property’s FLUM designation, and take full advantage of an extremely underutilized site to advance District housing and economic development goals in a way that promotes inclusivity and is complementary to the surroundings. Finally, the location and orientation of the Project’s retail component at the southern end of the Property aligns with Framework Element guidance on Main Street Mixed Use corridors as being pedestrian-oriented with traditional storefronts and upper-story residential uses that support transit use and enhance the pedestrian environment;
- Framework Element: The Applicant noted numerous policies of the Framework Element that the Project furthers, by providing new housing, including significant affordable housing, where none currently exists, immediately adjacent to transit, coupled with new retail, new transit infrastructure, and public open space – which can become “common ground”. The Applicant noted the following specific Framework Element Policies that are furthered by the Project:
 - The rising cost of housing is one of the most pressing and critical issues facing the District and the region. To achieve our goal of an inclusive city, we must meet the challenge of providing housing for a variety of household types, including families, the elderly, and the homeless: housing for owners and renters; housing for existing

⁵ The Commission acknowledges that a small southern portion of the Property is designated Main Street Mixed Use Corridor on the Comprehensive Plan’s GPM. The OP Reports in the case record (Ex. 12, 59.) make no mention of this GPM designation; however, based on the Applicant’s submissions to the case record and the Comprehensive Plan’s description of the Main Street Mixed Use Corridor category, the Commission finds that the Project is not inconsistent with the Main Street Mixed Use Corridor designation. (See 10A DCMR § 225.14; See Commission’s discussion of GPM consistency below in Conclusions of Law 16.)

- and new residents; workforce housing; and housing affordable at all income levels. Tied in with housing cost issues are deeper concerns about displacement, the impacts of gentrification, and long-term competitiveness.; (10A DCMR § 206.1.)
- As an example, the stress of poverty, combined with substantial population growth, has created a housing affordability crisis that must be addressed. The need for more housing, and more affordable housing, has become an important policy goal that, if addressed and achieved, will help the city be more resilient; (10A DCMR § 213.5.)
 - The District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process, Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality; (10A DCMR § 213.6.)
 - Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must be designed to respect the integrity of stable neighborhoods and the broader community context, and encourage housing and amenities for low-income households, who rely more on transit. Adequate infrastructure capacity should be ensured as growth occurs; (10A DCMR § 219.7.)
 - Increased mobility can no longer be achieved simply by building more roads. Priority must be on investment in other forms of transportation, particularly transit. Mobility can be enhanced further by improving the connections between different transportation modes, improving safety and security of users of all transportation modes, and increasing system efficiency; and (10A DCMR § 222.1.)
 - Residents are connected by places of “common ground,” such as Union Station and Eastern Market. Such public gathering places should be protected and should be created in all parts of the city as development and change occurs. (10A DCMR § 222.6.)
 - District Wide/City Wide Elements: The Project advances numerous individual objectives of the District Wide/City Wide Elements and the Rock Creek East Area Element, all as summarized in Exhibit 3 of the record.
 - Land Use Element – The Applicant identified nine specific policies of the Land Use Element (Policies LU-1.4.1, 1.4.2, 1.4.3, 1.4.4, 1.4.5, 1.4.7, 2.1.8, 2.2.4, and 2.4.5.) that are furthered by the Project. The Applicant stated that the Project takes an existing, large surface parking lot immediately adjacent to the Takoma Metro Station and repurposes it as a transit-oriented, neighborhood-centered, mixed-use, mixed-income development. The Project will provide significant housing, including affordable housing, in a thoughtfully designed building that provides new retail/service uses, an appropriate amount of vehicular parking for the building and the Metro Station, incorporates a new transit zone for buses, and creates a large public park and retail/cafe plaza. The Project satisfies the priorities of the Land Use Element noted above regarding an underutilized Metrorail station site;
 - Transportation Element – The Applicant identified seven specific policies of the Transportation Element (Policies T-1.1.4, 1.1.5, 1.2.3, 1.3.A, 2.3.1, 2.3.3, and 2.4.1.) that are furthered by the Project. The Applicant noted that the Project, provides a transit-oriented development immediately adjacent to a Metrorail

station, removing a large surface parking lot. The proposed shared use path in the Open Space/Buffer Zone portion of the Property, the siting of the Transit Zone, and the significant bicycle facilities included in the Project are all evidence of the thoughtful bicycle and pedestrian planning and infrastructure included in this application. This mixed-use building, with housing/affordable housing and retail uses, is the result of joint development with WMATA;

- Housing Element – The Applicant identified four specific policies of the Housing Element (Policies H-1.1.3, 1.1.4, 1.1.8, and 1.2.3.) that are furthered by the Project. The Applicant noted that the Project will create approximately 430-440 new units of housing, including approximately 70 new units of affordable housing on an existing surface parking lot. The Project creates no direct displacement and instead offers rental housing in a highly sought after neighborhood, immediately adjacent to transit;
- Environmental Protection Element - The Applicant identified seven specific policies of the Environmental Protection Element (Policies E-3.2.3, 3.2.6, 3.2.7, 4.1.2, 4.2.1, 4.4.1, and 5.1.5.) that are furthered by the Project. The Applicant stated that the Project will achieve LEED Gold certification. Solar Panels will be provided on top roof levels and green roofs will be provided on lower levels. The Project removes a large surface parking lot with virtually no stormwater management controls and provides a new development immediately adjacent to Metrorail and Metrobus facilities, reducing dependency of auto uses for residents, employees and visitors to the Project;
- Economic Development Element - The Applicant identified two specific policies of the Economic Development Element (Policies ED-2.2.3 and 2.2.9.) that are furthered by the Project. The Applicant noted that by creating a new high quality retail space adjacent to the Metrorail station (in an otherwise missing link between the retail in the Takoma DC and Takoma Park, MD and the historic Takoma retail space along 4th Street), the Project not only increases neighborhood shopping opportunities at transit but furthers the economic strength of the Takoma retail economy;
- Parks, Recreation and Open Space Element – The Applicant noted that the Project furthers the Parks, Recreation, and Open Space Element’s policy 4.3.3: Common Open Space in New Development and its direction to create “common open space areas that provide visual relief and aesthetic balance.” (10A DCMR § 819.5.) The Project’s open and green passive recreational space will be accessible, and open to the public to create a true meeting space serving the Takoma neighborhood;
- Urban Design Element - The Applicant identified twelve specific policies of the Urban Design Element (Policies UD-2.1.4, 2.1.7, 2.2.1, 2.2.5, 2.3.1, 2.4.1, 3.2.2, 3.3.2, 4.1.3, 4.1.4, 4.2.2 and 4.2.4.) that are furthered by the Project. The Applicant stated that the Project’s building includes multiple, scaled facades to reflect the differing sides of the building and the scale each engages. The building’s ground floor includes significant pedestrian activation, and the overall massing is broken up to create an appropriately sized building immediately adjacent to transit but respectful of the surrounding community. The Project not only includes more than just the new building in its Urban Design, but also improves the connection of the public space to the Metro station with the transit-zone, focused pedestrian and

bicycle infrastructure planning, and screened, enclosed parking. Finally, the Project includes open space that provides appropriate outdoor gathering and play community space for the Takoma community; and

- Historic Preservation Element - The Applicant identified two specific policies of the Historic Preservation Element (Policies HP-1.1.3 and 2.5.3) that are furthered by the Project. The Applicant stated that it has coordinated directly with the Historic Preservation Office to ensure that the Project balances goals for vacant land within historic districts while also respecting the historic architecture and influence within the neighborhood.
- Rock Creek East Area Element - The Property is located within the Rock Creek East Area Element. The Rock Creek East Area Element focuses on balancing the policies of “preserving established neighborhoods” and “provid[ing] a variety of housing choices.” The Rock Creek Area East Element notes that this area “has always taken pride in the fact that it is economically integrated, with housing options for older adults, lower-income households, young professionals, moderate- income families, and persons with disabilities, as well as high-income households” and new development “should be in keeping with the scale of the surrounding community, provide ample green space, address parking and traffic issues, upgrade infrastructure where needed, and serve a variety of incomes.” (10A DCMR § 2207.3.) The Applicant stated that the Project addresses each of these goals for new development. The Applicant identified seven specific policies of the Rock Creek East Area Element (Policies RCE-1.1.3, 1.1.7, 2.1, 2.1.3, 2.1.4, 2.1.C, 2.1.D.) that are furthered by the Project. The Applicant noted that the Project provides the called for housing, retail, and open green space at the Takoma Metro Station. The Project provides approximately 430-440 housing units, including approximately 70 affordable units, where none currently exist. The units provided are a mix of studios, one- two- and three-bedroom units, providing rental housing for a variety of family sizes. Further, in an area with a larger supply of single-family housing and ownership opportunities than elsewhere in the District, the Project’s provision of multi-family rental housing fills a needed mix of housing within the area. Retail uses within the Takoma neighborhood currently consists of retail along Carroll Street, N.W. in Takoma DC, adjacent to the retail at Carroll and Laurel Avenues in Takoma Park, MD, and retail along 4th Street, N.W. in Takoma DC. Currently, there is a gap of retail along Carroll Street, N.W. at the Metro Station, creating a “dead zone” for retail activation and connectivity needed to serve the retail community in Takoma. The Project remedies that missing link by providing 15,000–18,000 square feet of retail. Finally, the Project’s inclusion of a 1.8-acre open space area creates the Village Green as the signature open space feature called for in the Rock Creek East Area Element;
- Takoma Central District Small Area Plan - The Applicant stated that the Project is fully consistent with those parts of the 2002 Takoma SAP that remain applicable to the Property, and that are not inconsistent with the current Comprehensive Plan. The Rock Creek East Area Element – Takoma Central District Policy Focus Area contains nine policies and actions that relate to development on the PUD Site. The height, massing, and overall design of the Project have been developed in close consultation with Historic Preservation Office Staff and the D.C. Historic Preservation Review Board

(“HPRB” or “Board”). This close consultation and the Applicant’s thoughtful consideration of the surrounding context have resulted in a Project that recognizes and respects Takoma’s historic character while balancing other competing demands for housing, transit-oriented development, open space, and environmental protection. (RCE-2.1.1, RCE-2.1.3.) The Project also addresses the demand for additional neighborhood-serving retail and service uses, and consistent with the Takoma SAP does so with active ground-floor uses that are concentrated along Carroll Street (RCE-2.1.4). The Project successfully advances the Takoma SAP’s housing and retail strategies while still being able to meet all transit needs (Metrorail, Metrobus, Ride-On) on the PUD Site itself, and provide a substantial “village green” that will serve as a signature open space feature. (RCE-2.1.5, RCE-2.1.D.) The Project adheres to the Takoma SAP redevelopment guidelines for the PUD Site in a manner that is not inconsistent with the updated FLUM that supports medium-density, mixed-use development. Indeed, with the exception of the redevelopment guidelines that refer to specific building heights or number of dwelling units, the Project is fully consistent with all supplemental guidance provided in the Takoma SAP that is not inconsistent with the current Comprehensive Plan; (Ex. 233B.)

- Mayor’s Housing Order: The Mayor’s Housing Order outlines her administration’s aggressive and commendable goals for increasing housing production, and particularly affordable housing production, in the District. The Housing Order notes that “Increased housing production and preservation is required to address growth and ensure the District lives up to its values of being diverse and inclusive. To do this, the District must create 36,000 new residential units by 2025.” The Project is exactly the type of new development necessary to achieve the housing goals of the Housing Order. The Project helps address the District’s compelling need for new family-sized housing at a site such as the Property. The Project is more than just consistent with the Mayor’s Housing Order; the Project is precisely the type of transit-oriented, contextually designed, mixed-income new development with permanent affordable housing units that will be essential to achieving the Mayor’s housing objectives; and (Ex. 3.)
- Racial Equity Analysis: Equity, and particularly racial equity, is a primary focus of the Comprehensive Plan, especially in the context of zoning where certain priorities stand out, including affordable housing, avoiding displacement of existing residents, and creating / increasing access to opportunity. The Commission is tasked with evaluating the Project’s consistency with the Comprehensive Plan through a racial equity lens. (10A DCMR §§ 2501.4-.6, 2501.8.) The Comprehensive Plan Framework Element states that equity is both an outcome and a process achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality. (10A DCMR § 213.6.) Further, “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities.” (10A DCMR § 213.7.) The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed

decisions. (10A DCMR § 213.9.) To do this, the Implementation Element calls for agencies to prepare and implement tools that will assist in evaluating and implementing the Comprehensive Plan through a “racial equity lens.” Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and the Office of Planning analyzing the zoning action’s consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable (Part 1); a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3):

- The Applicant submitted a thorough Comprehensive Plan Racial Equity Impact Evaluation, which was guided by the Commission’s Racial Equity Tool and was also informed by the D.C. Office of Planning’s (“OP”) Equity Crosswalk (effective August 21, 2021) (the “Equity Crosswalk”), which highlights Comprehensive Plan policies and actions that explicitly address racial equity. The planning guidance and data pertaining to the Rock Creek East (“RCE”) Planning Area was also considered in the preparation of the Applicant’s Comprehensive Plan racial equity evaluation.
- The Applicant’s Comprehensive Plan Racial Equity Impact Evaluation addressed all components of the Commission’s Racial Equity Tool. The Comprehensive Plan Racial Equity Impact Evaluation provided further analysis of Comprehensive Plan consistency (including policies that explicitly focus on advancing racial equity) and it addressed the process that the Applicant undertook with regard to community outreach and engagement. The Comprehensive Plan Racial Equity Impact Evaluation also addressed the “outcome” of the Project when viewed through a lens of racial equity and concluded:
 - [t]he outcomes of the Project have the potential to positively impact racial equity through substantial improvements in housing, affordable housing, retail and service amenities, and environmental sustainability. Of the many substantial benefits of the Project, perhaps the most important is the over 400 new units of housing that will be provided, of which approximately 70 will be devoted to affordable housing at the 30% and 60% MFI levels of affordability. The Project will contain six (6) 3-bedroom units that will all be devoted to households earning no more than 30% MFI. Through the proposed ground-floor retail and service program the Project will bring desired neighborhood-serving retail and service uses to RCE residents, which will also strengthen the Takoma Park business district on both sides of the District / Maryland border. Finally, another major aspect of the Project that contributes to advancing racial equity is the new 1.8-acre open space. The open space will be open to the public for small day-to-day recreation and larger community events, and will contain play equipment for local children, and public art created by local woman or women of color.
- Community Outreach and Engagement- The Applicant engaged in outreach with the community and community stakeholders/organizations regarding the Project, including ANC 4B, the ANC 4B Housing Justice Committee, Single Member

District's ANC 4B01, 4B02, and 4B07, the Takoma Park neighbors, Maryland residents along Eastern Avenue, and Old Takoma Business Association. The Applicant made observations and conclusions about the neighborhood community based on the Project input received through its Community Outreach and Engagement efforts to respond to the Commission's Racial Equity Tool.

- The Applicant has included the following elements in the Project's design in response to or in conjunction with input received from the community:
 - Set aside 15% of residential square footage as dedicated IZ units for 30% and 60% MFI households for the life of the Project, including 3-bedroom units devoted to 30% MFI households;
 - Continue to pursue Tax Abatements for Affordable Housing in High-Needs Areas (HANTA) program to increase the number of affordable units to 33% (incremental 18% from the 15%);
 - Provide 1.8 acres of public open space (including park and retail plaza) and work with ANC 4B and the community for best practices to include in the design;
 - Create a retail plaza that serves as an opportunity to connect local business and community events;
 - Include park space and engage with the community on programming elements including public art with a particular emphasis on art from local women and people of color;
 - Provide a permanent public use easement for the proposed park;
 - Include sidewalk and trails that provide a safe a low-stress pedestrian experience;
 - Provide no more than 0.33 parking spaces per residential unit and provide 20-79 short-term retail parking spaces (depending on the amount of retail) that includes accessible parking spaces;
 - Preserve as many healthy trees on site and preserve heritage trees including through relocation to another location on the site;
 - Provide a shared multiuse path to ensure Metro access that is at least 12 feet wide to traverse the proposed park space and work the DDOT to ensure the proposed shared use path is routed to minimize the impact on trees;
 - Work with DDOT to implement pedestrian safety measures and traffic calming;
 - Construct the Project in a manner that the building and grounds are accessible to persons with disabilities;
 - Coordinate with WMATA to replace bike racks in kind and improve the existing bicycle storage facilities;
 - Provide substantial storm water mitigation; currently the site has no storm water treatment and creates significant issues for residents on the Maryland side of Eastern Avenue. The Project's storm water treatment will eliminate this issue;
 - Install solar panels on unobstructed flat roof surfaces;
 - Preserve green space between the Property and adjacent neighbors on Eastern Avenue; and

- Step down and step back building along Eastern Avenue.
 - The Applicant incorporated several concerns of the affected community from both the District and Takoma Park, MD in the Project's design. However, some residents within the affected community in Takoma Park, MD would prefer less density at the Property, a lower building, and a greater amount of parking that is located below grade. Though the Applicant did not incorporate these specific concerns in the Project's design, it did step down the building by one level where it is closest to Eastern Avenue. In addition, along Eastern Avenue, the building is buffered by a large green space. (Ex. 3, 14B.)
33. The Applicant concluded that the Project is not inconsistent with the Comprehensive Plan when reviewed as a whole and is not inconsistent with any other adopted public policies or active programs related to the subject site, including the Takoma Central District Plan, and the Mayor's Housing Order. (Ex. 3, 14B, 233.)
34. Based on the extensive evidence provided in the record, the Commission agrees that the Project is not inconsistent with the Comprehensive Plan or other adopted and applicable public policies. The Commission's analysis of Comprehensive Plan consistency is found at Conclusions of Law 16.

III. RESPONSES TO THE APPLICANT'S FILINGS

OP Reports

35. As noted in Findings of Fact No. ("FF") 20, the OP Setdown Report recommended that the Application be setdown for a public hearing. The OP Setdown Report provided the following analysis (Ex. 12.):
- **Project Description** – The building is designed so that each façade uses architectural elements that reflect the different neighboring land uses facing that side. Therefore, there would be a residential façade side, an urban/retail façade side, and a train-inspired façade side. The building's residential façade side would primarily be along Eastern Avenue which faces the single-family dwelling residential neighborhood across the street in Maryland. Alternating large and small punch windows and projecting balconies establish a residential appearance to this side of the building. A significant setback on the upper two levels is used to reduce the impact of the building's size and massing away from the houses across the street. The building's urban/retail façade would primarily be along Carroll and Cedar Streets, N.W. On this side the building's ground floor retail shops and cafes would line an outdoor public plaza and a series of terraces. The scale of the retail would be consistent with the neighboring Takoma retail shops located along Carroll Street, N.W. The building's urban/train-inspired façade would be along the sides facing the Takoma station and the adjacent multifamily buildings. The building's scale and materiality on these sides would have an urban residential feel and a feel of movement. The layering of alternating horizontal and residential articulation would reflect the movement of the trains. This side will also

- have signage to welcome people from the Metrorail station to the Takoma neighborhood. Parking on this side will be screened with greenery;
- Comprehensive Plan – FLUM - The OP Setdown Report concluded that the Project would not be inconsistent with the FLUM land use recommendation for the site, which encourages a mix of medium-density residential development, low density commercial development, and local public facility use on the site. The Project is for a medium density residential building with retail on the ground floor. The Project also includes improvements to the Takoma Metrorail station's Kiss and Ride and bus stop area;
 - Comprehensive Plan – GPM – The OP Setdown Report concluded that the Project would not be inconsistent with the GPM's Neighborhood Enhancement Area designation. It would comply with the policy's guidance by improving an underutilized site with a building that provides both market rate and affordable units. This would invite more households to the area and help to make the area more inclusive. The Project also includes a public park that would provide a space for community gathering;
 - Comprehensive Plan -Racial Equity - The OP Setdown Report concluded that the Project would not be inconsistent with the Comprehensive Plan when viewed through a racial equity lens. Primarily because the Project would create additional housing and affordable housing on an underutilized site located in an area that is not as expensive as other parts of the District; therefore, the Project would allow for more minority households to reside in the area and allow more people to access both recreation and employment opportunities close to Metro;
 - *Disaggregated Race and Ethnicity Data* - OP's Setdown Report noted that 2020 Census Data for the Rock Creek East Planning Area, in which the property site is located, showed a low Black (29.1%) and Hispanic (7.9%) population compared to the Districtwide percentages of 45.4% Black and 11% Hispanic. In addition, the Planning Area showed a median home value of \$455,920 and median rent of \$2,077 while the corresponding Districtwide values were \$618,100 and \$1,607;
 - Comprehensive Plan – Land Use Element – The OP Setdown Report identified eight policies of the Land Use Element (Policies LU-1.4.1, 1.4.2, 1.4.3, 1.4.5, 1.4.7, 2.1.8, 2.2.4, and 2.4.5.) that are furthered by the Project. OP stated that the Project furthers these Policies by providing housing near a Metrorail station. It would also transform the station area into a neighborhood center by replacing a surface parking lot with a mixed-use building, neighborhood-focused retail plaza, and a community park. As a mixed-use project the development's location near a Metrorail station should encourage more non-auto transportation to the site;
 - Comprehensive Plan – Transportation Element - The OP Setdown Report identified six policies of the Transportation Element (Policies T-1.1.4, 1.2.3, 1.3.A, 2.3.1, 2.3.3, and 2.4.1.) that are furthered by the Project. OP stated that the Project would provide a transit-oriented development in close proximity to the Takoma Metrorail station and includes considerable bicycle and pedestrian improvements. The Project proposes a new pedestrian/bike shared use path and bicycle facilities. Furthermore, the building itself with its residential units and pedestrian-oriented retail near a Metrorail station encourages non-auto transportation to the site;
 - Comprehensive Plan – Housing Element - The OP Setdown Report identified four policies of the Housing Element (Policies H-1.1.3, 1.1.4, 1.1.8, and 1.2.3.) that are

furthered by the Project. OP stated that the Project would replace an underutilized parking lot with a mixed-use development that includes 430-440 residential units. Approximately 70 of these units would be affordable through the IZ program. The affordable units would include units dedicated to households making 60% MFI and 30% MFI or below;

- Comprehensive Plan – Environmental Protection Element - The OP Setdown Report identified seven policies of the Environmental Protection Element (Policies E-3.2.3, 3.2.6, 3.2.7, 4.1.2, 4.2.1 4.4.1, 5.1.5.) that are furthered by the Project. OP stated that the site's location adjacent to the Metrorail station should result in many of the new residents and visitors opting not to use a vehicle. The Project will be designed to achieve LEED Gold certification. On the roof, solar panels will be installed on the top roof levels and green roof areas will be installed on the lower roof levels. Tree preservation is an important component in the design of open space. The Applicant has committed to preserving as many healthy trees as possible on the site, which includes relocating Heritage Trees;
- Comprehensive Plan – Economic Development Element - The OP Setdown Report identified two policies of the Economic Development Element (Policies ED-2.2.3, and 2.2.9) that are furthered by the Project. OP stated that along with the new residential units the Project would add 15,000 – 18,000 square feet of high-quality retail/service space to this currently underutilized site. This retail/service space would be located along the high foot traffic area along Carroll Street, N.W. that leads to the Metrorail entrance. Providing retail in this location would also connect the Takoma DC and Takoma Park, MD retail core with the Takoma retail area along 4th Street, N.W. The retail/service space would also provide opportunities for local employment;
- Comprehensive Plan – Urban Design Element - The OP Setdown Report identified eleven policies of the Urban Design Element (Policies UD-2.1.4, 2.1.7, 2.2.1, 2.2.5, 2.3.1, 2.4.1, 3.2.2, 3.3.2, 4.1.4, 4.2.2, 4.2.4.) that are furthered by the Project. OP stated that the Project would connect the Takoma Metrorail station entrance to a mixed-use building with a retail plaza. This retail plaza will be activated by the ground floor retail in the new residential building. The building would also have features that significantly engage the pedestrian experience along the plaza, such as having storefront windows. Each side of the building would have a massing and scale that reflects the scale of the adjacent properties. The Project's community park and retail plaza would provide an outdoor gathering space and community play space for the neighborhood;
- Comprehensive Plan – Parks, Recreation and Open Space Element - The OP Setdown Report identified one policy of the Parks, Recreation and Open Space Element (Policy PROS 4.3.3.) that is furthered by the Project. OP stated that a key component of the Project is providing public open space to the community for passive recreation use;
- Comprehensive Plan – Rock Creek East Area Element - The OP Setdown Report identified seven policies of the Rock Creek East Area Element (Policies RCE-1.1.3, 1.1.7, 2.1, 2.1.3, 2.1.4, 2.1.C and 2.1.D.) that are furthered by the Project. OP stated that the Project would provide a multi-family building with affordable units adjacent to the Takoma Metrorail station. The Project will also fill in the gap in retail along Carroll Street, N.W. at the Metrorail station by providing 15,000 - 18,000 square feet of retail along Carroll Street, N.W. The Project will also fulfill the Rock Creek East

Area Element's recommendation for a Village Green by providing a large public open space; and

- Takoma Central District Plan – The OP Setdown Report concluded that the Project would not be inconsistent with the Takoma Central District Plan because on balance it would not be inconsistent with the Comprehensive Plan. The 2002 Takoma Central District Plan is over 20 years old and contains recommendations that are not consistent with the current Comprehensive Plan. The Comprehensive Plan encourages mixed-use development with medium density residential at the site, but the Takoma Central District Plan recommends more moderate density town house development at the site. The Project furthers many of the general recommendations of the Takoma Central District Plan, including having more housing and retail near the Metrorail station and the creation of a Village Green. (Ex. 12.)

36. OP submitted its report dated June 2, 2023, to the Commission in advance of the public hearing ("OP Hearing Report"). (Ex. 59.) The OP Hearing Report detailed the Applicant's responses to comments from OP as well as the Commission. In addition, it analyzed the Public Benefits and Amenities provided in the Project and balanced those Benefits and Amenities with the development incentives that are requested in the Application. The OP Hearing Report provided the following:

a. Recommendation

The OP Hearing Report made the following recommendation:

The Office of Planning recommends approval of the PUD.

On balance the Project would be not inconsistent with the Comprehensive Plan and would further the District's efforts towards meeting its housing and land use goals by redeveloping an underutilized suite with a mixed-use development that would provide a significant amount of housing and retail near a Metrorail station. The benefits provided would balance the flexibility requested. Though the proposed building's height would be taller than permitted under the existing zoning, its density would be significantly lower than is permitted under existing zoning. (Ex. 59.)

However, the OP Hearing Report stated that additional information is needed prior to the Commission taking proposed action. Specifically, the following:

- Revised drawings and details reflecting design revisions submitted to HPRB (see p. 20); and
- Clarification of the requested post-approval flexibility (see p. 17) that:
 - The number of parking spaces on the site must not exceed the number of parking spaces approved in the Final Plans; and
 - The LEED points achieved must not decrease below the LEED Gold certification under the LEED for Homes: Multifamily Midrise rating system."

b. Applicant's response to comments from the Commission and OP

The OP Hearing Report included a table that summarized the Commission and OP comments on the Application. It stated:

Question/Comment	Applicant Response
Commission and OP requested an update on the Applicant's HANTA funding application and if the affordable housing set-aside would increase to 33%.	The Applicant is regularly working with DHCD and anticipates obtaining approval. Approval would result in 33% of the units being affordable (which includes their 15% IZ set-aside of residential square footage) with the following MFIs: • HANTA units at 80% MFI • IZ units at 30% and 60% MFI.
The Commission requested that the 2002 Takoma Central District Small Area Plan be reviewed to see if it recommends that 5% of new housing units on the site should go to households making no more than 30% MFI.	The Applicant reviewed the 2002 Takoma Central District Small Area Plan and the status reports published on OP's website but was unable to find an affordable housing requirement at any AMI or MFI level in the plan. (OP also reviewed the small area plan and was unable to find this requirement.) The project is proposing approximately 2% of its units for households making up to 30% MFI (includes all six of the 3-bedroom units) and 14% of its units for households making up to 60% MFI. ⁶
The Commission and OP requested more details on the pedestrian circulation in the courtyard because of concern about pedestrian/vehicular conflicts.	The Applicant provided additional diagrams on pp. L502 to L505 of Exhibit 38A13 that more clearly show the use of pedestrian crossing points, bollards, and signage.
OP requested more details on if there is to be an entrance/exit for the portion of the building along Carroll Street, N.W.	The Applicant intends for there to be a secondary entrance for residents to the wing of Carroll St., N.W. side of the building.
The Commission requested that all renderings of the proposed building's rooftop show the equipment on it.	The renderings were updated so that all rooftop views show equipment on the roof. The Applicant provided updated renderings at Ex. 38A4.
The Commission and OP requested that the Applicant reduce the number of on-site parking spaces because the site is adjacent to a Metrorail station.	The Applicant reduced the number of parking spaces by 2 spaces to incorporate a WMATA breakroom and restroom in the garage. In an Interagency meeting with OP, DDOT, and DOEE the Applicant explained they are unable to reduce the parking further because doing so would jeopardize their ability to secure funding for the project.

c. Comprehensive Plan and racial equity analysis

With respect to the Comprehensive Plan's Future Land Use Map, the OP Hearing Report concluded that:

- The project would not be inconsistent with the FLUM land use recommendations for the site, which encourages a mix of medium-density residential development, low density commercial development, and local public facility use on the site. The project is proposed to be a medium density residential building with retail on the

⁶ This characterization of the Project's affordable housing was apparently an oversight or typographical error. The Application proposes 3% of the residential GFA at 30% of MFI and 12% of the residential GFA at 60% of MFI. (See Ex. 3, 239.)